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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/520,346

01/05/2005

Hubert Verelst

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EXAMINER

GRAHAM, GARY K

ART UNIT

PAPER NUMBER

3723

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/520,346	<b>Applicant(s)</b> VERELST ET AL.	
	<b>Examiner</b> Gary K. Graham	<b>Art Unit</b> 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20050105</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 3, 4, 5, 6, 9, 11 and 15-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, line 2, there is no antecedent basis for “the locking noses”.

In claims 3 and 10, lines 2 and 1 respectively, it appears duplicative to again set forth “a component (32)”, when such has already been set forth in claim 1.

In claim 4, line 2, there is no antecedent basis for “the longitudinal edges”.

In claim 5, line 3, there is no antecedent basis for “the locking noses”.

In claim 9, line 8, there is no antecedent basis for "the positioning shoulders".

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 7-10, 12-14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egner-Walter et al (German patent 3709810) in view of Wright (EP 0316114).

The patent to Egner-Walter discloses the invention substantially as is claimed, including a wiper lever (figs.1,2) having a driven wiper arm (12) supporting a wiper blade (1). The wiper blade includes a band-like, elastic support element (10) supporting a rubber wiper strip (19,21). A component (31) is provided on an upper surface of the support element and includes a shaft (32) to which an adapter (33) is coupled to provide an articulated connection between the arm (12) and blade (1). The component acts as a part of the supporting element and includes limit stops (25) thereon pointing in opposite directions. A coupling piece at the end of the wiper arm (12) is coupled to the adapter in what appears as a conventional releasable manner via the adapter. An elastic, plastic cap (36) covers the articulated connection and is locked to the supporting element of the wiper blade via bead (37) and the component (31). Note that the cap accommodates the entire adapter (33). The beads (37) appear as locking noses that form counter limit stops, at least as far as defined. Note that the limit stops and counter limit stops are not required to interact in any particular manner nor are they required to perform any particular function. Thus, the various identified structure of Egner-Walter is considered to meet the “stop” limitation.

The patent to Egner-Walter discloses all of the above recited subject matter with the exception of the supporting element being curved along its length and deflector strip sections arranged on both sides of the component.

The patent to Wright discloses a wiper lever (figs.26,29) comprised of a wiper arm (33) supporting a wiper blade (10). Wright discloses curving the support element (14,31) of the wiper blade (10) along the longitudinal length. Wright also suggests that the supporting element be shaped with wind deflector strip sections (96,97) on both sides of the component (15).

It would have been obvious to one of skill in the art to curve the supporting element of Egner-Walter, as clearly suggested by Wright, to ensure proper windshield contact by the wiper strip.

With respect to claim 4, the component (31) of Egner-Walter is considered as part of the support element and will sit on the convex side of the support element as modified. Limit stops (25) are embodied on the component.

With respect to claims 8 and 17, it also would have been obvious to one of skill in the art to provide wind deflector strip sections on the supporting element, on both sides of the component, as suggested by Wright, to prevent undesired wiper lift during operation.

With respect to claim 9, note locking means (37) on the cap define fitting shoulders that cooperate with positioning shoulders (35) on the blade.

#### ***Allowable Subject Matter***

Claims 5, 6, 11, 15 and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary K Graham/  
Primary Examiner, Art Unit 3723

GKG  
18 June 2008